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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

In re: NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION	MDL Dkt. No. 06-1791-VRW **STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME FOR AT&T AND CINGULAR DEFENDANTS TO RESPOND TO COMPLAINTS**
This Document Relates To: *United States v. Rabner*, No. 07-1324; *United States v. Palermino*, No. 07-1326; and, *United States v. Volz*, No. 07-1396.	[Civil L.R. 6-2, 7-1(5), 7-12] Courtroom: 6, 17th Floor Judge: Hon. Vaughn R. Walker

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RECITALS

A. On February 21, 2007, the Judicial Panel on Multidistrict Litigation ordered the transfer of *Clayton v. AT&T Communications of the Southwest, Inc.*, No. 07-1187; *United States v. Gaw*, No. 07-1242; *United States v. Rabner*, No. 07-1324; *United States v. Palermino*, No. 07-1326; *United States v. Volz*, No. 07-1396; and *United States v. Adams*, No. 07-1323 (the "Federal-State Cases") to this Court's docket. Dkt. 173.

B. On March 30, 2007, the Court ordered that the AT&T and Cingular Defendants (as defined in footnote 3 of the Joint Case Management Statement, Dkt. 61-1) "need not answer or otherwise respond to the complaints in *United States v. Rabner*, No. 07-1324; *United States v. Palermino*, No. 07-1326; and *United States v. Volz*, No. 07-1396 until sixty days after this Court issues an order resolving the dispositive motions set for hearing by the Order of March 26, 2007." Dkt. 224. The Court heard those motions on June 21, 2007.

C. On July 24, 2007, the Court denied without prejudice the United States' motions for summary judgment and denied as moot the State Defendants' motions. The Court further ordered that "[a]fter the Ninth Circuit issues an order in *Hepting*, the parties may renotice their cross motions." Dkt. 334.

D. Judicial and party economy is best served by deferring the AT&T and Cingular Defendants' obligation to respond to the complaints in *Rabner*; *Palermino*; and *Volz* until after the Ninth Circuit has provided further guidance and this Court has considered and resolved with prejudice any renewal of the cross motions originally heard on June 21, 2007.

STIPULATION

The United States and the AT&T and Cingular Defendants hereby stipulate that the AT&T and Cingular Defendants need not answer or otherwise respond to the complaints in *Rabner*; *Palermino*; and *Volz* until 60 days after the resolution with prejudice of the renewal of the cross motions originally heard on June 21, 2007, which the parties anticipate will occur after the final adjudication of all appeals of the July 20, 2006 Order in *Hepting, et al. v. AT&T Corp., et al.*, No. 06-672-VRW, including disposition of any petition for certiorari and, if granted, any resulting appeal to the United States Supreme Court ("*Hepting* Appeals"). In the event that no cross-motion is renewed within 90 days after such final adjudication of the *Hepting* Appeals, then the AT&T and Cingular Defendants will answer or otherwise respond to the complaints in *Rabner*; *Palermino*; and *Volz* within 120 days after such final adjudication of the *Hepting* Appeals.

Dated: August 14, 2007.

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By /s/ Marc H. Axelbaum
Marc H. Axelbaum

Attorneys for the AT&T and Cingular Defendants

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DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, MARC H. AXELBAUM, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from the other signatory listed below.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on August 14, 2007, at San Francisco, California.

/s/ Marc H. Axelbaum
Marc H. Axelbaum

Dated: August 14, 2007.

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By /s/ Alexander Haas
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[PROPOSED] ORDER

Pursuant to the foregoing Stipulation, and good cause appearing, IT IS HEREBY ORDERED that:

The AT&T and Cingular Defendants need not answer or otherwise respond to the complaints in *United States v. Rabner*, No. 07-1324; *United States v. Palermino*, No. 07-1326; and *United States v. Volz*, No. 07-1396 until 60 days after the resolution with prejudice of the renewal of the cross motions originally heard on June 21, 2007, which the parties anticipate will occur after the final adjudication of all appeals of the July 20, 2006 Order in *Hepting, et al. v. AT&T Corp., et al.*, No. 06-672-VRW, including disposition of any petition for certiorari to the United States Supreme Court ("*Hepting* Appeals").

In the event that no cross-motion is renewed within 90 days after such final adjudication of the *Hepting* Appeals, then the AT&T and Cingular Defendants will answer or otherwise respond to the complaints in *Rabner*; *Palermino*; and *Volz* within 120 days after such final adjudication of the *Hepting* Appeals.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: ____________, 2007.

____
Hon. Vaughn R. Walker
United States District Chief Judge